

### **REMARKS**

Claims 24-59 are presently pending in the application. Claim 29 has been cancelled without prejudice to the filing of any appropriate continuation applications.

Applicants have amended the claims to more clearly define and distinctly characterize Applicants' novel invention. Specifically, claim 24 was amended to incorporate the limitations of cancelled claim 29. Claims 30, 32, 36, 40 and 42 were amended to correct claim dependencies. Applicants respectfully submit that the amendments presented herein do not raise new issues requiring further search, and add no new matter.

Applicants respectfully request entry and consideration of the foregoing amendments, which are intended to place this case in condition for allowance.

### **RESTRICTION/ELECTION**

The Examiner has required restriction among four groups of inventions, namely claims 24-50, drawn to a preparation comprising zinc, chlorogenic acid or a functional analog thereof, and one of various herbal agents, classified in class 424, subclass 728 (Group I); claims 51-54, drawn to a method of treating/preventing an infection, classified in class 424, subclass 641 (Group II); claims 55-58, drawn to a method for stimulating T-lymphocytes, classified in class 514, subclass 732 (Group III); and claim 59, drawn to a vaccine, classified in class 424, subclass 184.1 (Group IV).

Applicants respectfully traverse the restriction requirement. Applicants believe that the subject matter of claims 24-50, 51-54, 55-58 and 59 is interrelated to the extent that a search and examination of the subject matter of those claims in the same application would not be overburdensome. In particular, claim 24 and claims depending therefrom (Group I) are directed

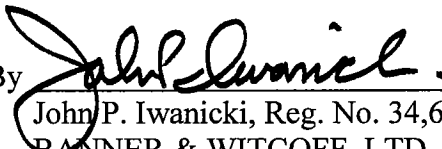
in part to a preparation for stimulating or enhancing an immune system, comprising an agent that stimulates T-lymphocytes *in vivo*. Claim 55 and claims depending therefrom (Group III) are directed to a method of stimulating T-lymphocytes comprising ***administering the preparation of claim 24***. The Examiner admits that Group I requires a T-lymphocyte stimulating agent, and that the method of Group III is drawn to stimulating T-lymphocytes. Applicants submit that at least Group I and Group III are interrelated as the product of Group I which stimulates T-lymphocytes is used in the method of Group III for stimulating T-lymphocytes. Notwithstanding, Applicants elect the invention of Group I, claims 24-50 for prosecution on the merits.

The Examiner has also requested that Applicants elect a species from the various distinct herbal ingredients as a source of arabinogalactan instantly claimed (e.g., claim 27) (species A); the various distinct functional analogs instantly claimed (e.g., claims 37-38) (Species B); the various distinct plants instantly claimed (e.g., claim 40) (Species C); the various distinct additives instantly claimed (e.g., claim 43) (Species E); the various distinct components instantly claimed (e.g., claim 46) (Species F); and the various distinct parasitic, toxic, viral and/or bacterial infectants instantly claimed (e.g., claims 52-53) (Species G). The Examiner indicates that claims 24, 51, 55 and 59 are generic. Applicants note that the Examiner did not set forth a Species D.

Applicants respectfully traverse the Examiner's election of species requirement. Applicants submit that the species are interrelated to the extent that a search and examination of the subject matter of those claims in the same application would not be overburdensome. Despite Applicants' traversal, Applicants elect *Echinacea* species for Species A; chlorogenic acid for Species B; *Echinacea* species for Species C; trace elements for species E; copper for Species F; and viruses for Species G for prosecution on the merits. Claims readable on the elected species include claims 24-43 and 45-50.

Respectfully submitted,

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